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Company: USPTO

From: Wendy W. Koba

Attention: Allan W. Olsen

Pages including cover sheet: 6

Fax No.: 703-872-9306

Date: March 1, 2004

Re: Serial No. 09/934,283

☒ Urgent ☐ Please review ☐ Please Comment ☐ Please Reply ☐ For your information

Case Name: O'Brien 12

Serial Number: 09/934,283

Filing Date: August 21, 2001

Group Art Unit: 1763

Examiner: Allan W. Olsen

Title: Improved Stepped Etalon

In response to an Advisory Action dated January 30, 2004, attached please find the following documents:

1. Transmittal Form (1 page)
2. Certificate of Transmission under 37 CFR 1.8 (1 page)
3. Election under 35 USC 121 (1 page)
4. Associate Power of Attorney (1 page)
5. Change of Correspondence Address (1 page)

Respectfully submitted,

Wendy W. Koba
Wendy W. Koba, Esq.

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/934,283
	Filing Date	August 21, 2001
	First Named Inventor	Stephen O'Brien
	Art Unit	1763
	Examiner Name	Allan W. Olsen
	Attorney Docket Number	12
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Certificate of Transmission under 37 CFR 1.8
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Wendy W. Koba
Signature	Wendy W. Koba
Date	3/1/04

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Wendy W. Koba	
Signature	Wendy W. Koba	Date 3/1/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Certificate of Transmission under 37 CFR 1.8

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Election of claims under 35 USC 121
Associate Power of Attorney

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O'Brien 12

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Patent Application

Inventor(s) Stephen O'Brien

Case 12

Conf. No. 8609

Serial No. 09/934,283

Group Art Unit 1763

Filing Date August 21, 2001

Examiner Allan W. Olsen

Title Improved Step Etalon

COMMISSIONER OF PATENTS
WASHINGTON, D.C. 20231

SIR:

ELECTION UNDER 35 USC 121

In response to an Advisory Action dated January 30, 2004 (application Paper No. 20040127), applicant hereby elects the group 1 (etching) species, further electing the subspecies of group 1a) "abrasive etching" (i.e., etching without an erodible mask). The Examiner has noted claim 11 as generic to all species, and claims 12 and 18 as generic to both species of group 1. Further, applicant cites the following claims as inclusive of the elected subspecies of group 1a): claims 6, 11, 12, and 18. Applicant thus respectfully requests the Examiner to conduct an examination on the merits of the elected claims. Should the Examiner have any questions, he is invited to contact applicant's attorney at the telephone number given below.

Respectfully submitted,

Stephen O'Brien

By: Wendy W. Koba
Wendy W. Koba
Reg. No. 30509
Attorney for applicant
610-346-7112

Date: 3/1/04